

Translation

PATENT COOPERATION TREATY

PCT/JP2003/017020

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PC-9028	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/017020	International filing date (day/month/year) 26 December 2003 (26.12.2003)	Priority date (day/month/year) 20 March 2003 (20.03.2003)
International Patent Classification (IPC) or national classification and IPC A01N 1/02, A61K 9/19, 35/14, 47/42, A23L 3/36		
Applicant NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

Box No. I Basis of the report

Box No. II Priority

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box No. IV Lack of unity of invention

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. VI Certain documents cited

Box No. VII Certain defects in the international application

Box No. VIII Certain observations on the international application

Date of submission of the demand 31 August 2004 (31.08.2004)	Date of completion of this report 23 February 2005 (23.02.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages _____, as originally filed/furnished
 pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages _____, as originally filed/furnished
 pages* _____ received by this Authority on _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the drawings:

pages _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims	1-9
Inventive step (IS)	Claims	NO
	Claims	YES
	Claims	NO
Industrial applicability (IA)	Claims	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Document 1: WO, 01/078505, A1 (Organ Recovery Systems, Inc.), 25 October, 2001, Full text & JP, 2003-530406, A

Document 2: WO, 98/04147, A1 (Unilever N.V.), 05 February, 1998, Full text & JP, 2000-515753, A

Document 3: WO, 96/39878, A1 (The Pillsbury Company), 19 December, 1996, Full text & US, 5620732, A1 & JP, 10-508759, A

The inventions described in claims 1-9 do not appear to be novel or to involve an inventive step. Document 1 cited in the ISR discloses a method for adding an antifreeze protein to a cryopreserved composition and cryopreserving a cell. Documents 2 and 3 cited in the ISR disclose a production method for a frozen composition wherein an antifreeze protein is added to food and deserts.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2003-284937 A [E, X]	07.10.2003	27.03.2002	
JP 2003-250506 A [E, X]	09.09.2003	04.03.2002	
JP 2004-19 A [E, X]	08.01.2004	24.05.2002	27.03.2002

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)